

Swaziland received a downward trend arrow due to an intensified crackdown on freedom of expression, including the jailing of a journalist and a lawyer for criticizing the country's chief justice.

Swaziland faced a number of restrictions on freedom of expression, political freedoms, and judicial independence in 2014. The imprisonment of two journalists, the increasing encroachment of the king's power over the judiciary, and the opening of the underutilized \$250-million King Mswati III International Airport all contributed to the country's ongoing financial troubles.

In June, Swaziland lost its preferred trading status under the United States's African Growth and Opportunity Act after failing to meet the human rights requirements stipulated in the agreement. This is likely to result in loss of income for thousands of workers who rely on the export of textiles and garments for employment. In the 2014 Ibrahim Index of African Governance, Swaziland ranked 46 out of 52 countries surveyed. In November, the UN Food and Agriculture Organization reported that 35.8 percent of Swaziland's 1.3 million population are undernourished, the seventh highest rate in the world.

According to UNAIDS, Swaziland continues to report the world's highest rate of HIV infection, with 27.4 percent of Swazis between the ages of 15 and 49 living with the disease.

Political Rights and Civil Liberties:

Political Rights: 1 / 40 [Key]

A. Electoral Process: 0 / 12

King Mswati III of Swaziland is the last absolute monarch in Africa. Although the 2005 constitution removed the king's ability to rule by decree, the members of the bicameral parliament, all of whom serve five-year terms, cannot initiate legislation. Of the House of Assembly's 65 members, 55 are elected by popular vote within the *tinkhundla* system, in which local chiefs vet all candidates; the king appoints the other 10 members. The king also appoints the prime minister from among the members of the House of Assembly, as well as 20 members of the 30-seat Senate, with the remainder selected by the House of Assembly. Traditional chiefs govern designated localities and typically report directly to the king.

Although the September 2013 parliamentary elections were peaceful and saw significant turnover among members (at least 46 of the 55 elected members were new), international observers judged the polls to be neither free nor fair.

B. Political Pluralism and Participation: 1 / 16

According to the constitution, election to public office is based on individual merit rather than political parties. This, in effect, makes political parties illegal. However, political associations have organized, the two largest being the banned People's United Democratic Movement (PUDEMO) and the Ngwane National Liberatory Congress (NNLC). Both PUDEMO and the NNLC boycotted the 2013 elections.

In May 2014, the president of PUDEMO, Mario Masuku, was arrested for calling for the overthrow of King Mswati III. He was detained along with the leader of the Swaziland Youth Congress (SWAYOCO) and charged with terrorism. A number of people wearing PUDEMO t-shirts were also arrested over the course of the year.

C. Functioning of Government: 0 / 12

Corruption is a major problem, and government corruption is widely blamed for contributing to Swaziland's financial crisis. Areas most affected include public contracting, government appointments, and school admissions. There is no oversight of the king's budget, and audits are only presented to the king and a Royal Board of Trustees chaired by the minister of finance. Despite ruling over one of the poorest countries in the world, King Mswati III continues to demand an enormous salary from state coffers, an amount that he increased by 10 percent, to \$61 million, in 2014.

Civil Liberties: 17 / 60 (-2)

D. Freedom of Expression and Belief: 6 / 16 (-2)

Constitutional rights to free expression are severely restricted in practice and can be suspended by the king. Publishing criticism of the ruling family and any member of his government is banned. In September 2014, the *Swazi Observer*, a state-owned newspaper, was forced to make an unreserved apology for reporting on what a princess wore without permission from the royal household. Self-censorship is widespread, as authorities routinely threaten and attack journalists. The independent *Times of Swaziland* refused to publish a column about a politically sensitive trial in March and censored an article in June about the chief justice of the country. In July, human rights lawyer Thulani Maseko and Bheki Makhubu, editor of Swaziland's *The Nation* magazine, were charged with contempt of court and sentenced to two years in prison after they published articles criticizing the country's lack of judicial independence. The judge in the case called the sentencing a deterrent for other journalists who wanted to write "scurrilous" and "reprehensible" articles. The minister of information, communications and technology in September told the country that the broadcast media existed primarily to "serve the interests of the state." In December, the country's only privately owned news source, *The Swazi News*, came under threat after the Supreme Court awarded record libel damages to a government minister accused of lying about her birth name.

About a quarter of the population has access to the internet; the government reportedly monitors online communications. Approximately 86 percent of the country has access to mobile technology, and many young people in particular use social media to bypass traditional media outlets. A group of anonymous activists continued to manage the Twitter feed Swazi Leaks, started in 2013 with the mission to expose the lavish lifestyle of the royal family.

Freedom of religion is not explicitly protected under the constitution but is mostly respected in practice, although security forces have been accused of intimidating church leaders deemed sympathetic to the prodemocracy movement.

Academic freedom is limited by prohibitions against criticizing the monarchy. In September 2014, students from Southern Africa Nazarene University went on strike for a week to protest the lack of learning materials and equipment. In response, the students were barred from returning to their studies until they named the

strike leaders.

E. Associational and Organizational Rights: 2 / 12

The government restricts freedoms of assembly and association through the sweeping powers granted under the 2008 Suppression of Terrorism Act, which allows it to declare any organization a terrorist group. Police harassment and surveillance of civil society organizations continues, with numerous reports of illegal searches, arrests, and violent interrogations. The Public Order Act continues to serve as a means of regulating and barring protest and industrial action; demonstrators routinely face violence and arrests by police.

Swaziland has active labor unions, some of which have called for democratic reforms. Workers in most areas of the economy, with the exception of essential services such as police and health care, can join unions; however, government pressure and crackdowns on strikes have limited union operations. In August 2014, Prime Minister Barnabus Sibusiso Dlamini called for the strangulation of labor union leaders returning from the U.S. African Leaders Summit, a comment that he retracted after an international backlash. In October, Minister of Labor and Social Security Winnie Magagula caused confusion by announcing that although trade unions and business federations were not banned, they were illegal, at least until the Industrial Relations Act was amended by parliament. In December, in an attempt to qualify for the reinstatement of the U.S. African Growth and Opportunity Act, Swaziland passed amendments to the Industrial Relations Act to permit registration of trade unions.

F. Rule of Law: 5 / 16

The dual judicial system includes courts based on Roman-Dutch law and traditional courts using customary law. Although the judiciary is independent in most civil cases, the king holds ultimate judicial power. The law society of Swaziland has accused the king of appointing judges in contravention of the constitution. Chief Justice Michael Ramodibedi has been criticized for involving himself in operational and legislative matters of the state, an allegation that led to the arrest and conviction of Makhubu and Maseko.

Forced searches of homes and offices, as well as torture in interrogations, have become more frequent. Prisons are overcrowded, and inmates are subject to rape, beatings, and torture.

People with albinism are at risk of murder for ritual purposes. Discrimination against members of the LGBT (lesbian, gay, bisexual, and transgender) community is widespread, and many people hide their sexual orientation.

G. Personal Autonomy and Individual Rights: 4 / 16

Swazis are largely free to move throughout and exit the country. However, Swazi citizens from minority ethnic groups often face delays in obtaining passports and other citizenship documents, with political activists subject to additional barriers in procuring passports. Evictions in the name of the king have increased, with reports that residents of Nokwe lost their homes in September 2014 to make way for an office park. The royal family is accused of attempting to increase its wealth through foreign investments, particularly through land. Video footage released in December 2014 alleges that Princess Mantfombi

seized land from KaLuhleko villagers in Bhunya and appointed her son as chief; there were numerous reports of torture and arbitrary arrest by police of villagers who resisted.

The constitution grants women equal rights and legal status as adults, but these rights remain restricted in practice. While both the legal code and customary law provide some protection against gender-based violence, it is common and often tolerated with impunity. There are only four female members of the House of Assembly, down from nine in 2008. Swaziland continues to practice virginity testing, which many human rights organizations call a harmful cultural practice that should be abolished.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)